



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00323-00

14 July 2000

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: LT [REDACTED], USNR, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 14 Oct 99 w/attachments
(2) Memo for the Record dtd 26 Jun 00
(3) BUMED ltrs dtd 15 Dec 99 and 3 and 23 Mar 00
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1), her original request, with this Board requesting, in effect, that the applicable naval record be corrected to show entry grade credit for her master of science (M.S.) degree, with corresponding correction of entry grade from ensign to lieutenant junior grade and adjustment of her date of rank and effective date in the grade of lieutenant. The memorandum for the record at enclosure (2) reflects that Petitioner later amended her request to agree with the recommendations of the Bureau of Medicine and Surgery (BUMED).

2. The Board, consisting of Messrs. Bishop and Carlsen and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 13 July 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner contends that two other environmental health officers, who graduated from the same M.S. program and from the same university, received entry grade credit and were commissioned in the grade of lieutenant junior grade. Petitioner's record reflects she entered the Medical Service Corps as an ensign with a 21 November 1995 date of rank, that she was promoted to lieutenant junior grade with a 21 November 1997 date of rank, and that she was promoted to lieutenant with a 1 December 1999 date of rank.

c. In correspondence attached as enclosure (3), the BUMED offices with cognizance over the subject matter of this case have commented to the effect that Petitioner's request has merit and warrants corrective action. They concluded that she should be granted constructive credit of one year and four months, the actual time she spent in the graduate program, for her advanced degree. They initially determined that this would warrant adjusting her ensign date of rank to 7 September 1994, but later recalculated her revised ensign date of rank as 21 July 1994 (one year and four months from her accession date of 21 November 1995). With this ensign date of rank, she would have been promoted in due course to lieutenant junior grade with a date of rank and effective date of 21 July 1996, and to lieutenant with a date of rank and effective date of 1 August 1998.

CONCLUSION:

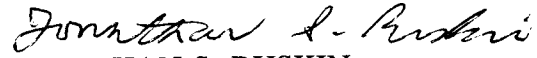
Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting relief, specifically, correction of Petitioner's record to show she entered the Medical Service Corps with a 21 July 1994 ensign date of rank, and that the dates of rank and effective dates of her promotions to lieutenant junior grade and lieutenant were 21 July 1996 and 1 August 1998, respectively. The Board finds that Petitioner does not rate original appointment in the grade of lieutenant junior grade, as she was entitled to less than two years of entry grade credit. In view of the above, the Board directs the following corrective action.

RECOMMENDATION:


- a. That Petitioner's naval record be corrected, where appropriate, to show her date of rank on her commission as an ensign, Medical Service Corps, United States Naval Reserve, as 21 July 1994, vice 21 November 1995.
- b. That her naval record be corrected further to show her lieutenant junior grade date of rank and effective date as 21 July 1996, vice 21 November 1997.
- c. That her naval record be corrected further to show her lieutenant date of rank and effective date as 1 August 1998, vice 1 December 1999; and that her lineal precedence be adjusted accordingly.
- d. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- e. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


For W. DEAN PFEIFFER
Executive Director

HD:hd
Docket No. 00323-00
26 June 2000

MEMORANDUM FOR THE RECORD:

Subj: LT [REDACTED] MSC, USNR [REDACTED]

1. This memorandum for the record is to document a phone call from subject officer concerning her application to this Board.
2. Petitioner requested entry grade credit for her MS Degree; correct her entry grade to 02 (backdate her ^{entry} date of rank and effective date to 7 September 1994) adjust her date of rank and effective date in the grade of lieutenant junior grade to 7 September 1996 and the date of rank and effective date in the grade of lieutenant to 1 October 1998 vice 1 ~~October~~ ^{December} 1999.
3. The advisory opinion received from BUMED recommended her date of rank in the grade of ensign be 21 July 1994, rather than 7 September 1994, and that her date of rank in the grade of lieutenant junior grade as 21 July 1996 with a date of rank in the grade of lieutenant as 1 August 1998.
4. This information was given to Lieutenant [REDACTED] and she discussed the advisory opinion with Commander [REDACTED] BUMED, and she indicated that she is in agreement with the advisory opinion even though she did not think she was treated as the other two lieutenant junior grades. She also asked that I take the case to the Board with the information as is.

[REDACTED]
Examiner



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

1120

IN REPLY REFER TO

Ser 522/00-5918

15 Dec 99

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION ICO LTJG [REDACTED]
[REDACTED]

Ref: (a) Memo Environmental Health Officer/Medical Service
Corps Community Manager of 21 Nov 95
(b) University of Wisconsin Transcript for [REDACTED]
(c) Entry Grade Credit Sheet for LTJG Diane [REDACTED]
(d) University of Wisconsin Transcript for [REDACTED]
(e) Entry Grade Credit Sheet for [REDACTED]
(f) University of Wisconsin Transcript for [REDACTED]
(g) Entry Grade Credit Sheet for [REDACTED]

Encl: (1) BCNR Application ICO LTJG [REDACTED]

1. Enclosure (1) is forwarded recommending adjustment of Ensign date of rank (DOR) to 7 September 1994. This office did not receive the original BCNR package; the enclosure is a copy provided by the member.

2. Reference (a) clearly states that "Applicants must have either a Master of Public Health or Master of Science Degree in environmental health from an academic institution accredited by Council on Education for Public Health (CEPH) or the National Environmental Health Association (NEHA).

3. Reference (b) shows that Lieutenant Junior Grade [REDACTED] graduated from University of [REDACTED] on 20 May 1995 with a Master of Science Degree in Environmental and Public Health. Reference (c), (line 2), shows that Lieutenant Junior Grade [REDACTED] did not receive entry grade credit for her advanced degree.

4. Reference (d) shows that Edward Paz graduated from University of [REDACTED] on 20 May 1995 with a Master of Science Degree in Environmental and Public Health. Reference (e), (line 2) shows that [REDACTED] received entry grade credit for his advanced degree

5. Reference (e) shows that [REDACTED] graduated from University of [REDACTED] 19 Dec 1998 with a Master of Science Degree in Environmental and Public Health. Reference

Subj: ADVISORY OPINION, ICO L [REDACTED] USNR,
[REDACTED]

(f), (line 2) shows that Lieutenant Junior Grade [REDACTED]
received entry grade credit for her advanced degree.

6. Since Lieutenant Junior Grade [REDACTED] graduated from the same
school with the same advanced degree as Lieutenant Junior Grade
Paz and Lieutenant Junior Grade Sessions, she should also receive
constructive credit of 1 year, 4 months for her advanced degree.

7. Your point of contact is Commander [REDACTED] USN,
who can be reached at DSN [REDACTED]

[Handwritten signature]

[REDACTED]

By direction



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

323-00

IN REPLY REFER TO

1120
Ser 00MSCB1/0013
3 Mar 00

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: REQUEST FOR ADVISORY OPINION(S)

Ref: (a) Ltr 1120 Ser 522/00-5918 of 15 Dec 99

1. Concur with the advisory opinion as provided by reference (a).





DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY
2300 I STREET NW
WASHINGTON DC 20312-5300

IN REPLY REFER TO

323-00

1120

Ser 522/00-5949

23 Mar 00

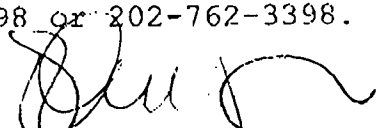
From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADDENDUM TO ADVISORY OPINION OF 15 DECEMBER 1999 ICO LTJG
[REDACTED] MSC, USNR, [REDACTED]

Ref: (a) Advisory opinion of 15 Dec 99 ICO LTJG [REDACTED]

1. As stated in reference (a), Lieutenant Junior Grade [REDACTED] should receive constructive credit of 1 year, 4 months for her advanced degree (actual time spent in graduate program). Correctly calculated, her ENSIGN Date of Rank (DOR) should be 21 July 1994 (1 year, 4 months from her accession date of 21 November 1995).

2. Your point of contact is Commander J. S. Cohn, NC, USN, who may be reached at DSN 762-3398 or 202-762-3398.


F. QUISENBERRY
By direction

OPTIONAL FORM 99 (7 90)

FAX TRANSMITTAL

of pages 1

To	John Fushkin	From	Cohn
Dept./Agency	BLNR	Phone #	DSN 762-3398
Fax #	DSN 224-9852	Fax #	

NSN 7540-01-317 7368

6009-101

GENERAL SERVICES ADMINISTRATION